

**REMARKS****Introduction**

The present Response is in connection with the Non-final Office Action of July 18, 2007. Issues raised by that Office Action are addressed by the remarks that follow.

**Claim 26**

The outstanding Office Action of July 18, 2007 fails to recognize or address claim 26 as added by the Amendment filed March 8, 2005. Absent any outstanding objection or rejection of the claim, it will be presumed to be allowable. Otherwise, a new Office Action addressing claim 26 should be issued.

**Claim Rejections – 35 USC §103(a)**

Claims 1 – 10, 12 – 13, 15 – 16 and 18 – 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper et al (5,930,700, hereinafter “Pepper”) in view of Patsiokas et al. (4,941,203, hereinafter “Patsiokas”). Applicant traverses these rejections, based on the following.<sup>1</sup>

In connection with claims 1, 5, 7-8 and 20, according to the Examiner:

*...Pepper teaches recognizing a condition (this reads on alerting the subscriber that there is a pending call, see col. 6, lines 42-46); initiating a first call including transmitting a call set-up message (this reads on the caller identification information that is sent to the called party, see col. 6, lines 12-22) indicating a special calling party number (this reads on the caller ID for calling party, i.e. calling party telephone number, see col. 6, lines 12-17 and/or calling party PIN, see col. 12, lines 60-63); detecting an AIN trigger when said call reaches a point in the telecommunications network (this reads on the arrival of an incoming call, which is detected at the TNI 304, which alerts the service control module 306 when the call has been received, see col. 6, lines 12-15). The limitations "Transmitting a query message to a control point in the telecommunications network, said query message including said*

<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

*special calling party number; receiving said query message at said control point" are inherent in Pepper system since all the details record regarding the call must be stored in the database, (see col. 9, lines 58-65). Pepper also teaches storing in response to said special calling party number an indicator of said condition in response to receiving said special calling party number (see col. 9, lines 58-65).*

Office Action of July 18, 2007.

It is noted that the rational provided in connection with Pepper is identical to that set forth in the Office action mailed June 6, 2005 at page 3. The Examiner, however, now appears to concede that:

*"Pepper does not specifically teach the limitation of 'initiating a call in response to recognizing a condition'."*

This failing of Pepper had been brought to the Examiner's attention by the Amendment filed October 6, 2005. In Applicant's Remarks, claim 1 was distinguished over the system described in Pepper as requiring at least two features not taught or suggested by Pepper:

- a system in which a call is initiated in response to recognizing a condition using a special calling party number; and
- storing an indicator of a condition in response to receiving a special calling party number.

While the Examiner now applies Patsiokas in an attempt to supplement the teachings of Pepper, there is no attempt to address Applicant's second contention. Specifically, the Examiner ignores Applicant's contention that Pepper merely describes a database that stores various information, such as a date book, phone book and pending messages but does not describe storing an indicator of said condition in response to receiving the special calling party number, as required by claim 1. Thus, claim 1 is considered to be patentably distinguishable over the combination of Pepper and Patsiokas.

Returning to the first point, the Examiner takes the position that:

*...Patsiokas teaches if a call has been received (this also reads on recognizing the condition) the remote unit is alerted and the voice communication is established (reads on the response after recognizing the condition) (see cot. 7, lines 39-43).*

Office Action at page 3.

The Examiner continues, contending that

*[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of establishing a call in response to recognizing the alert for the incoming call, as taught by, Patsiokas into the Pepper system in order to provide sufficient time to answer a call.*

Not only would the combination not follow from either of the references, but it appears that such modification would render the Pepper device inoperative. That is, as the Examiner applies Pepper, caller identification information that is sent to a called party is asserted as equivalent to the claimed first call that is initiated in response to recognizing a condition. It appears to be the Examiner's position that one skilled in the art would send such caller identification information according to Pepper in response to receiving a call that, according to Patsiokas, instead results in alerting a remote unit to the incoming call and establishing voice communications. However, establishing voice communication would defeat the screening feature of Pepper, thereby rendering it inoperative for its intended purpose. Not only is the motivation for the combination as articulated by the Examiner considered to be improper, but any detectable condition that might be inferred from Patsiokas has no relationship to the operation of the Pepper device. To the contrary, modifying Pepper according to Patsiokas would render the device of Pepper inoperative for its intended screening purpose thereby rendering the combination improper.

Further, even if there were some reason to initiate a call according to Patsiokas, the language of claim 1 would still not be met since there is no call set-up message indicating a first special calling party number disclosed by either Pepper or Patsiokas.

Thus, for the reasons presented, the combination of Pepper and Patsiokas is considered to be improper as both lacking motivation for the asserted modification and

because the modification would defeat the call screening feature of Pepper. The rejection of claim 1 is further improper because the applied references, singularly and in combination, fail to disclose or suggest the language of claim 1 including:

- a system in which a call is initiated in response to recognizing a condition using a special calling party number; and
- storing an indicator of a condition in response to receiving a special calling party number.

Based on the foregoing, Applicant believes claim 1 to be patentable over Pepper and Patsiokas, and respectfully request that the Examiner withdraw the rejection of claim 1. As claims 2 – 9 and 21 – 23 depend from claim 1, and therefore include all of the limitations of claim 1, Applicant believes claims 2 – 9 and 21 – 23 to be patentable for at least the same reasons as claim 1<sup>2</sup> and respectfully request that the Examiner withdraw the rejection of those claims.

Addressing claim 10, the Examiner repeats the rejection as set forth in the Final Office Action of June 6, 2005 without addressing Applicant's arguments as set forth in the Response filed October 6, 2005, which remarks are incorporated herein in their entireties, further in view of the remarks above addressing Patsiokas. That is, claim 10 recites a system that includes:

a switched telephone network including a plurality of switching points interconnected by a plurality of communications links, and further including a number of subscriber lines associated with respective subscribers;

a database connected to the switched telephone network, the database storing call processing records associated with respective subscribers of said switched telephone network;

a server configured to detect a condition of a subscriber line associated with one of the respective subscribers and, in response to detecting the condition, initiate a call to the subscriber line including a call set-up message indicating a special calling party number;

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<sup>2</sup> As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

wherein said switching points are configured to receive the call set-up message and transmit a query message to said database in response to receiving said call set-up message, the query message including the special calling party number, and wherein said database is configured to receive said query message and to set a service status flag of a call processing record associated with said subscriber line in response to receiving the special calling party number.

Neither Pepper nor Patsiokas, singularly or in combination, teach or suggest the system of claim 10. For example, neither teach or suggest “a server configured to detect a condition of a subscriber line associated with one of the respective subscribers and, in response to detecting the condition, initiate a call to the subscriber line including a call set-up message indicating a special calling party number,” or a database “configured to receive said query message and to set a service status flag of a call processing record associated with said subscriber line in response to receiving the special calling party number,” as recited by claim 10. As noted above with respect to claim 1, neither Pepper nor Patsiokas describe a device that detects a subscriber line condition and initiates a call to the subscriber line using a call set-up message including a special calling party number. Likewise, neither describe setting a service status flag associated with a subscriber in response to receiving the special calling party number.

Based on the foregoing, Applicant believes claim 10 to be patentable over both Pepper and Patsiokas, singular and in combination. Applicant further considers the combination of Pepper and Patsiokas to be improper for the reasons present above in connection with claim 1. Accordingly, the rejection is believed improper and withdrawal thereof is respectfully requested. As claims 12, 13, 15 and 16 depend from claim 10, and therefore include all of the limitations of claims 10, Applicant believes claims 12, 13, 15 and 16 to be patentable over Pepper and Patsiokas for at least the same reasons as claim 10, and respectfully request that the Examiner withdraw the rejections of those claims as well.

In further contrast to both Pepper and Patsiokas, claim 18 recites a network that includes:

a plurality of a Service Switching Points (SSPs) configurable to provision triggers associated with telephone lines of designated ones of subscribers served by respective ones of said SSPs;

a system configured to detect a condition associated with one of the telephone lines of one of the designated subscribers of the telephone network and, in response to said condition, initiate a call to said telephone line using an ISDN User Part (ISUP) call set-up message including a special calling party number;

a service control point (SCP) connected to said plurality of SSPs and configured to store service status associated with each of said designated subscribers;

wherein said plurality of SSPs are further configured to receive the ISUP call set-up message including the special calling party number and, in response, transmit a TCAP query message including the special calling party number to the SCP, and wherein the SCP is configured to receive the query message, modify the service status indicator associated with the one of the designated subscribers based on the special calling party number, and supply call handling instructions based on the service status indicator associated with the one of the designated subscribers for subsequent calls to said telephone line.

Neither Pepper nor Patsiokas teach or suggest a network. For example, neither Pepper nor Patsiokas describe “a system configured to detect a condition associated with one of the telephone lines of one of the designated subscribers of the telephone network and, in response to said condition, initiate a call to said telephone line using an ISDN User Part (ISUP) call set-up message including a special calling party number.” or an SCP “configured to receive the query message, modify the service status indicator associated with the one of the designated subscribers based on the special calling party number, and supply call handling instructions based on the service status indicator associated with the one of the designated subscribers for subsequent calls to said telephone line,” as recited in claim 18. Applicant notes that claim 18 includes many similar limitations to those in claim 10 (including additional limitations, for example, with respect to specific message formats and systems devices), and thus Applicant believes claim 18 to be patentable over the applied art for at least the same reasons as claim 10 (discussed above). Applicant further considers the combination of Pepper and Patsiokas to be improper for the reasons present above in connection with claim 1. As a result, Applicant respectfully requests that the Examiner withdraw the rejection of claims 18. As claim 19 depends from claim 18, and therefore includes all of the limitations of claim 18, Applicant believes claim 19 to be patentable over the applied art for at least the same reasons as claim 18, and respectfully requests that the Examiner withdraw the rejection of claim 19 as well.

Addressing claim 20, a method includes:

- identifying a connection status of said telephone line of said called party ;
  - in response to determining a busy condition ---
    - (a) initiating a first call to said called party using a special calling party number,
    - (b) transmitting a first query message to a remote control point, said first query message including said special calling party number, and
    - (c) in response to receiving said special calling party number at the remote control point, setting a status indicator of said telephone line at said remote control point;
      - receiving a request for a second call to the telephone line, the second call from a calling party;
      - initiating the second call using a second call set-up message indicating a calling party number associated with the calling party; and
      - transmitting a second query message to the remote control point, said second query message including the calling party number associated with the calling party.

The applied art does not teach or suggest such a method. For example, as noted with respect to claim 1, neither Pepper nor Patsiokas describe “in response to determining a busy condition ... initiating a first call to said called party using a special calling party number, ... and ... in response to receiving said special calling party number at the remote control point, setting a status indicator of said telephone line at said remote control point,” as recited by claims 20. Moreover, the applied art does not teach or suggest “initiating the second call using a second call set-up message indicating a calling party number associated with the calling party; and transmitting a second query message to the remote control point, said second query message including the calling party number associated with the calling party.” The absence of these portions of claim 20 from the descriptions of Pepper and Patsiokas indicates that claim 20 is patentable thereover. The rejection is further considered to be improper for lack of motivation for modifying Pepper according to Patsiokas for the reasons presented above in connection with claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 20. As claims 24 – 26 depend from claims 20, and therefore include all of the limitations of claims 20, Applicant believes those

claims to be patentable over the applied art for at least the same reasons as claim 20, and respectfully request that the Examiner withdraw the rejections of claims 24 – 26 as well.

**Summary**

In view of the above remarks, Applicant believes the pending application is now in condition for allowance. Accordingly, withdrawal of the outstanding rejections and an early notification of allowance are respectfully requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, from which the undersigned is authorized to draw, under Order No. 414.035/09908721.

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Respectfully submitted,

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